

**Notice of Allowability**

Application No.

10/022,830

Examiner

David Q. Nguyen

Applicant(s)

RUNE ET AL.

Art Unit

2681

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/20/05.
2. ☒ The allowed claim(s) is/are 1,4-7,10-12,14-16,18-26,29-33,36-38,40-42,44-64 (renumbered as 1-52 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's arguments, see Election under 35 USC §121, filed 10/20/05, with respect to Applicant's election with traverse of group II (claims 5,11,30,37,35-64) and group III (claims 18 26 and 44-50) have been fully considered and are persuasive. The **Election/Restrictions** has been withdrawn.

### ***Allowable Subject Matter***

2. Claims 2,4, 5-7, 10-12,14-16,18-26,29-33,36-38,40-42,44-64 are allowed.

The following is an examiner's statement of reasons for allowance:

3. Regarding independent claims 4-5, 10-11, 18, 29-30, 36-37 and 44, the claims have been rewritten as an independent form including all of the limitations of the base claim. Therefore, claim 4 is now allowable with the same reason set forth in the previous office action sent out 03/16/05.

Claims 2 and 6-7 depend on claim 4. Therefore, they are allowable.

Claims 53-54 depend on claim 5. Therefore, they are allowable.

Claims 12 and 14-16 depend on claim 10. Therefore, they are allowable.

Claims 55-57 depend on claim 11. Therefore, they are allowable.

Claims 19-26 depend on claim 18. Therefore, they are allowable.

Claims 31-33 and 51-52 depend on claim 29. Therefore, they are allowable.

Claims 58-59 and 63-64 depend on claim 30. Therefore, they are allowable.

Claims 38 and 40-42 depend on claim 36. Therefore, they are allowable.

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Claims 60-62 depend on claim 37. Therefore, they are allowable.

Claims 45-50 depend on claim 44. Therefore, they are allowable.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*DN*

David Nguyen

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER